

February 12, 2024

**Via ECF**

The Honorable Timothy J. Sullivan  
United States District Court  
District of Maryland  
6500 Cherrywood Lane  
Suite 335A  
Greenbelt, MD 20770

**Re: *Gov't Employees Health Ass'n v. Actelion Pharms. Ltd. et al.*, 18-cv-3560-GLR**

Dear Magistrate Judge Sullivan:

We write on behalf of all parties to the above-captioned litigation, pursuant to the Court's November 9, 2023 Order that the parties "provide a joint status report to Magistrate Judge Sullivan regarding scheduling a settlement conference." (ECF No. 258.)

Plaintiff's Position. Plaintiff's position with respect to a settlement conference has not changed since the parties' last submission to Your Honor in January 2023. (ECF No. 212.) Plaintiff remains amenable to proceeding with a settlement conference at this time. To avoid conflicting with ongoing summary judgment and *Daubert* briefing, which will conclude on April 24, 2024, Plaintiff proposes scheduling the settlement conference to be held in May 2024. In response to Defendants' position below, Plaintiff believes the upcoming briefing will validate its position regarding the strength of its claims and that Plaintiff will prevail at trial.

Defendants' Position. Although Defendants do not believe that Plaintiff's claims merit a trial based on the undisputed record, they do not object to the scheduling of a settlement conference at this time. Defendants' position regarding a settlement conference should in no way be read as lack of confidence in their motion for summary judgment or the outcome of a trial, should there be one.

We appreciate Your Honor's attention to this matter.

Respectfully submitted,

/s/ Sharon K. Robertson  
Sharon K. Robertson

/s/ George Gordon  
George G. Gordon

*Co-Lead Counsel for Plaintiff and the  
Proposed Class*

*Counsel for Defendants*

CC: Counsel of Record